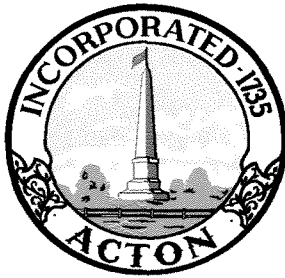


EXTRA INFO. 5/8/06  
POSSIBLE CITIZENS' CONCERN



Planning Department

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**INTERDEPARTMENTAL COMMUNICATION**

**To:** Don P. Johnson, Town Manager **Date:** May 8, 2006  
**From:** Roland Bartl, AICP, Town Planner *R.B.*  
**Subject:** Citizen Concerns - Perchlorate

The concern that perchlorates might have negative health effects has surfaced a few years ago. To this date there are no regulatory standards for perchlorates as to exposures or levels in drinking water. I keep hearing they are imminent. We understand that possible perchlorate sources are among others, cleaning products, fertilizers, jet fuel emissions, fireworks, and blasting compounds.

When it became known that the development of Ellsworth Village, including the installation of a water service main in Brabrook Road, might require blasting, neighbors raised concerns over the possible use of perchlorates in blasting. In hearings it became evident that various blasting compounds come with different concentrations of perchlorate, and that some may even be perchlorate-free. In its special permit decision #05-01 (04/26/05) for Ellsworth Village the Planning Board wrote the following finding on the subject:

- 2.13 The proposed construction work on the site and in the adjacent public ways may require blasting. Recent findings show that toxic perchlorate compounds used in blasting are stable in the ground and resurface in nearby drinking water supply wells. The risk has been identified but neither the State nor the Federal Government appear to have regulations on safety standards or exposure limits, yet.

The decision also contains the following conditions:

- 3.2.18 If blasting is required for any of the work shown on the approved Plan, the applicant shall strictly follow the regulations and instructions of the Acton Fire Department.
- 3.2.19 If perchlorate compounds will be used in the blasting process, the Applicant shall offer all immediate abutters of the Site, and, in the event that blasting is required on Brabrook, Flagg, and Pope Roads, all residents on Brabrook and Flagg Roads and residents abutting the blasting location on Pope Road, a pre-blasting screening of their domestic well water for ammonium perchlorate and other perchlorate compounds. Prior to conducting the blasting, the Applicant shall pay each such abutter or resident who agreed to a pre-blasting test, the cost of a post-blasting test which they may conduct at the time of their choosing. The post-blasting payment is waived for any abutter who ties into the newly installed water main.
- 3.2.20 If perchlorate compounds will be used for blasting work in Brabrook, Flagg, and Pope Roads, the insurance requirements in the "Specifications for Regulating Construction within Public Ways" shall be expanded to indemnify the Town for a period not less than 10 years against claims for injury, death, or property damage due to any perchlorate contamination of domestic water supply wells that may result from the blasting activity.

The developer indicated that he would use perchlorate-free blasting materials and therefore not engage in pre-blasting well tests. Some of the neighbors initiated pre-blasting well tests on their own. I am not sure how they were conducted, but I believe neighbors took samples on their own and sent them to a lab. We have recently received copies of some pre-blast testing results, which show perchlorates as non-detectible.

Subsequently, blasting commenced after filing of the proper papers with the Fire Department and issuance by the Fire Department of a blasting permit. Apparently, the Material Safety Data Sheets for the blasting permit were for materials and compounds considered perchlorate free, although there were no certifications to that effect. Ms. Holley now informed us that before blasting commenced, there was a page on DEP's website indicating that one of the previously considered perchlorate-free compounds was found to contain perchlorate. We are not aware that DEP sent any alerts of these findings to local authorities. Perhaps they did not because perchlorate is an unregulated material. In any case, the information remained hidden. Apparently, the only person in Acton who was aware of this potential problem before blasting commenced was Ms. Holley. She indicated that this knowledge led her to advise her neighbors to conduct pre-blast well tests. I wish she would have also alerted the developer and the Fire Department at that time. There may have been an opportunity to avoid the compound in question.

Subsequent to blasting, some neighbors began post-blast testing of their wells, and some are now turning up perchlorates. There are also perchlorates found in one well, where no pre-blast testing was done. Ms. Holley had written a letter to the Planning Board, stating that the developer has violated the permit conditions in that he allegedly used perchlorate compounds without conducting himself, or offering to conduct, pre-blasting tests of the neighbors' wells. And, that the Planning Board should now require the developer to reimburse the neighbors for their testing expenses.

The Planning Board placed the matter on Citizen Concerns at their last meeting on April 25. Ms. Holley attended as did several neighbors. Also, the developer attended together with his blasting contractor. After statements from neighbors, the developer, and the blaster, the Planning Board concluded that the developer appears to have been reasonably diligent in his efforts to avoid perchlorated substances when blasting, and that he was therefore not in violation of the special permit. The Planning Board urged the developer to help the affected neighbors in their predicament. Neighbors also asked what the Planning Board would do in the future to avoid such problems. Board members expressed an expectation that DEP or EPA might soon issue safety standards and regulations on perchlorates, and that matters would best be handled once these agencies have taken appropriate action. In addition, the Planning Board indicated that it would take the issue under advisement and continue to consider what it could do in the presence of a regulatory vacuum, including continuing asking developers to use perchlorate-free substances, and step up their diligence even further to protect abutters of blasting sites and themselves.

Subsequent to the meeting and following your inquiry, I have asked the developer how he is addressing the perchlorate contamination that was found, and if he could try to obtain "perchlorate-free" certifications for the materials that he used. He has indicated that is prepared, and has offered the affected neighbors, to install AWD public water service at cost. He has also indicated that he will pursue the requested certifications.

Cc: Planning Board